

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHEILA CARSON,)	
)	
Plaintiff,)	Case No. 08 C 50
)	
v.)	Judge Gottschall
)	
)	Magistrate Judge Ashman
P.O. R. BRIONES # 19024 & P.O)	
EDISON CUZALLOS #89507,)	
individually,)	
)	
Defendants.)	Jury Demand
)	

PLAINTIFF'S SECOND AMENDED COMPLAINT AT LAW

NOW COMES the Plaintiff, SHEILA CARSON, by and through her attorneys,
GREGORY E. KULIS & ASSOCIATES, complaining against the Defendant, P.O. R.
BRIONES, # 19024 and P.O. EDISON CUZALLOS #89507, and states as follows:

COUNT I – FALSE ARREST

1. This action is brought pursuant to the United States Constitution as protected under 42 U.S.C. §1983 and §1988 and the laws of the State of Illinois.
2. Jurisdiction over this action is based upon 28 U.S.C. §1331 and §1343 and supplemental jurisdiction over pendent claims under the law of the State of Illinois.
3. The Plaintiff, SHEILA CARSON, was at all times United States citizens and permanent residents of the State of Illinois.
4. The Defendants, P.O. R. BRIONES and P.O. EDISON CUZALLOS #89507, were at all relevant times duly appointed officers of the City of Chicago Police Department.

5. At all relevant times, the Defendants, P.O. R. BRIONES and P.O. EDISON CUZALLOS #89507 were acting under color of law and within the scope of his employment as a police officer.

6. On or about January 26, 2007, the Plaintiff was at her home when Defendant BRIONES and other Chicago police officers came to her door and asked if she had identification for her daughter who supposedly had just been arrested.

7. Defendants CUZALLOS and BRIONES falsely alleged that Plaintiff SHEILA CARSON was involved in a narcotics transaction that occurred in December 2006.

8. SHEILA CARSON was not involved in the alleged narcotics transaction.

9. At the time of her arrest, SHEILA CARSON was not breaking any laws or committing any crimes.

10. At the time of her arrest, SHEILA CARSON had not violated any laws.

11. The Plaintiff, SHEILA CARSON, was arrested, handcuffed and transported to the police station.

12. Defendants did not have probable cause to arrest SHEILA CARSON.

13. The actions of Defendants, P.O. R. BRIONES and P.O. EDISON CUZALLOS were intentional, willful and wanton.

12. Said actions of Defendants, P.O. R. BRIONES and P.O. EDISON CUZALLOS, violated the Plaintiff, SHEILA CARSON'S, Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights as protected by 42 U.S.C. § 1983.

13. As a direct and proximate result of said conduct of Defendant P.O. R. BRIONES and P.O. EDISON CUZALLOS, the Plaintiff, SHEILA CARSON, suffered violations of her

constitutional rights, emotional anxiety, humiliation, fear, pain, suffering, monetary loss and future pain and suffering.

WHEREFORE the Plaintiff, SHEILA CARSON, prays for judgment in her favor and against the Defendants, P.O. R. BRIONES and P.O. EDISON CUZALLOS in an amount in excess of THIRTY THOUSAND DOLLARS (\$30,000.00) in compensatory damages and THIRTY THOUSAND DOLLARS (\$30,000.00) in punitive damages plus attorneys' fees and costs.

COUNT II - MALICIOUS PROSECUTION

1-8. The Plaintiff hereby restates and incorporates the allegations of paragraphs 3-10 of this Complaint as the respective allegations of paragraphs 1-11 of Count II as though fully set forth herein.

9. The Defendants proceeded with the charges against SHEILA CARSON, knowing they were false.

10. The criminal charges were resolved in favor of the Plaintiff, SHEILA CARSON.

11. As a direct and proximate result of said conduct of Defendants, P.O. R. BRIONES and P.O. EDISON CUZALLOS, the Plaintiff, SHEILA CARSON, suffered violations of her constitutional rights, emotional anxiety, humiliation, fear, pain, suffering, monetary loss, and future pain and suffering.

WHEREFORE the Plaintiff, SHEILA CARSON, prays for judgment in her favor and against the Defendants, P.O. R. BRIONES and P.O. EDISON CUZALLOS in an amount in excess of THIRTY THOUSAND DOLLARS (\$30,000.00) in compensatory damages and THIRTY THOUSAND DOLLARS (\$30,000.00) in punitive damages plus attorneys' fees and costs.

JURY DEMAND

The Plaintiff, SHEILA CARSON, requests a trial by jury.

Respectfully submitted,

SHEILA CARSON

/s/ Ronak Patel

GREGORY E. KULIS & ASSOCIATES

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